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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,642	10/27/2003	Hari Shankar	1509-462	8906

22879	7590	02/04/2008
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FORT COLLINS, CO 80527-2400		

EXAMINER	
HSU, ALPUS	

ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
02/04/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/693,642

Applicant(s)

SHANKAR, HARI

Examiner

Alpus H. Hsu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claimed features of a network including **plural coupled computer arrangements and a program** for causing the network to operate in accordance with a method as in claims 11-13, **one or more host computers** configured to carry out a method as in claims 14-16, and **a memory device or storage medium including computer readable data in the form of a program** for causing a network to be operated in accordance with a method as in claims 17-19, all do not have proper antecedent basis in the specification disclosure.

2. Claims 11-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed subject matters of a network including **plural coupled computer arrangements and a program** for causing the network to operate in accordance with a method as in claims 11-13, **one or more host computers** configured to carry out a method as in claims 14-16, and **a memory device or storage medium including computer readable data in the form of a program** for causing a network to be operated in accordance with a method as in claims 17-19, all were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 1 and 3, each term of "SCSI" and "MPLS" should be defined as to what it stands for at its first occurrence. Line 6, "the MPLS protocol" lacks antecedent basis.

In claim 3, lines 1, 3 and 4, each term of "SCSI", "MPLS" and "mSCSI" should be defined as to what it stands for at its first occurrence. Line 6, "the MPLS protocol" lacks antecedent basis.

In claim 5, line 3, "the MPLS network" lacks antecedent basis.

In claims 6, line 2, it is confusing for reciting "routing protocol". Is it referring to the MPLS routing protocol as in claim 4 or MPLS protocol as in claim 3. Line 3, it is unclear as to what each term of "CR-LDP" and "RSVP-TE" stands for.

In claim 7, lines 1 and 4, each term of "iSCSI" and "MPLS" should be defined as to what it stands for at its first occurrence.

In claim 8, lines 1 and 2, each term of "iSCSI" and "MPLS" should be defined as to what it stands for at its first occurrence. Line 3, "label switched path" should read as -- Label Switched Path -- to be consistent in claim language with its dependent claim 9. Line 6, "a MPLS" should read as -- an MPLS --.

In claim 10, line 2, it is unclear as to what each term of "CR-LDP" and "RSVP-TE" stands for. Same line, the phrase "or similar" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

In claims 11-13, it is vague and indefinite for reciting a “network” without reciting any structural elements but a program to perform the functions as in method claims 1, 7 and 8.

In claims 14-16, it is vague and indefinite for reciting “one or more host computers” without reciting any programming code and processor for carrying out the methods as in claims 1, 7 and 8.

In claims 17-19, it is vague and indefinite for reciting “a memory device or storage medium including computer readable data in the form of a program for causing a network to be operated in accordance with a method” without reciting any processor or computer for carrying out the method or structural elements for the network to perform the functions as in the method claims.

4. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. Due to the nature of objection to the specification, and 112, 1st & 2nd paragraph issues regarding claims 11-19, no prior art or allowable subject matter can be determined or applied at this time.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chui, Mizrachi et al., and Barzilai et al. are all cited to show the common feature of packet network utilizing SCSI and/or iSCSI protocols and packet header encapsulation for data transportation similar to the claimed invention.

7. Applicant's arguments filed November 14, 2007 have been fully considered but they are not persuasive.

In the remark, regarding the acronyms of SCSI, MPLS, mSCSI, PDU, and iSCSI, the applicant argued that these terms are defined in the specification, there is no need to further define in the claims. The examiner disagrees, since for example, the term of "SCSI" could stand for Small Computer Storage Interface, and the term of "MPLS" could stand for Multi Protocol Label Swapping (see U.S. Patent No. 6,754,210), which are different from the definition as defined in the specification of the instant application. Therefore, the applicant is required to further define such acronyms to distinguish from the definitions of prior arts. Regarding claims 11-19, the applicant's arguments are moot in view of the objection to the specification, and 112, 1st & 2nd paragraph issues as indicated above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

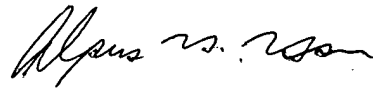
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2619